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09/681,836	06/08/2001	Jonathan J. Cadiz	MCS-075-00	2766
27662	7590	02/17/2005	EXAMINER	
LYON & HARR, LLP 300 ESPLANADE DRIVE, SUITE 800 OXNARD, CA 93036			ROSWELL, MICHAEL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/681,836

**Applicant(s)**

CADIZ ET AL.

**Examiner**

Michael Roswell

**Art Unit**

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 and 100-110 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 and 100-110 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-10 and 100-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al (U.S. Publication 2002/0161837), hereinafter Sasaki, and Trueblood (U.S. Patent 6,031,530).
2. Regarding claims 1, 100, 102, 105, 106, and 107, Sasaki teaches providing a user interface and components through which a user specifies each entity whose contact availability is to be determined (the specifying of status tables and common tables through the terminals of a user, at ¶ 0106, and Fig. 14), accepting contact availability data representing at least one contact method for each entity from at least one electronic information source (the status reflecting a user's availability on a chat service, at ¶ 0011), dynamically determining a real-time availability status of each entity for each contact method (using a detection part of a user terminal, ¶ 0011), and graphically representing the real-time availability status of each entity via the user interface (representing the user's status with a symbol or icon, ¶ 0027).

Sasaki fails to explicitly teach representing the real-time availability status of each entity in a persistent window.

Trueblood teaches a method for always-visible (persistent) windows that can be used to display information similar to the windows of Sasaki used to display entity status information, at col. 1, lines 8-11.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Sasaki and Trueblood before him at the time of the invention to modify the entity status window of Sasaki to incorporate the always-visible state of Trueblood to obtain a window for viewing information that is not coverable by other application windows.

One would be motivated to make such a combination for the advantage of allowing a user to always have selected information visible on the display screen. See Trueblood, col. 2, lines 51-58.

3. Regarding claim 2, Sasaki teaches the automatic specification of at least one entity, taught as the use of a chat support device to send and receive the status of users sharing a virtual space, at ¶ 0007.

4. Regarding claim 3, Sasaki shows graphically representing the real-time availability of each entity comprises displaying a graphical representation of each entity using a dynamic thumbnail, as can be seen in Figs. 8 and 11.

5. Regarding claim 4, Sasaki allows for using a graphical representation of eye contact for each entity to provide a social cue for indicating whether each entity is available, shown as faces staring at the user in Fig. 11.

6. Regarding claim 5, it can be seen in Fig. 8 that Sasaki teaches at least one container within which the graphical representation of the real-time availability status of each entity is provided by using a dynamic thumbnail, shown as a section of the window displaying user statuses.

7. Regarding claims 6 and 7, Sasaki teaches at least one thumbnail for representing information other than contact availability status for an entity, shown as the icon files of Fig. 10 for representing each user's understanding of a topic being taught, and is available through the chat support device of ¶ 0007.

8. Regarding claims 8-10, Sasaki teaches pulling contact availability data from at least one of the electronic data sources and receiving contact availability data that is pushed from at least one of the electronic information sources, taught as "pulling" contact information by receiving requested status tables of a certain channel, at ¶ 0070, and receiving "pushed" information automatically from a chat support device when a user enters or leaves a virtual space, at ¶ 0010 and 0011.

9. Regarding claim 101, Sasaki teaches determining a contact availability status for an entity based on multiple contact methods, taught as the specifying of different contact statuses for multiple virtual spaces, at ¶ 0012.

10. Regarding claims 103 and 104, while Sasaki and Trueblood fail to explicitly teach presenting a contact availability window as a sidebar or providing peripheral awareness of contact availability of selected entries, it is well known in the art that windows may be moved around the display screen of a user to various positions. Thus, it would have been obvious to one of ordinary skill in the art to position the contact availability of Sasaki and Trueblood off to the side of the display, forming a "sidebar" capable of displaying contact information peripherally to a user.

11. Claims 11, 12, 16, 22, 25, 27-30, 36, 37 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki, Trueblood, and Barrus.

12. Regarding claim 11, Sasaki and Trueblood have been shown to teach graphically representing the real-time availability of each entity comprises displaying a graphical representation of each entity using a dynamic thumbnail.

Sasaki and Trueblood fail to teach a ticket defining an entity, and a viewer for displaying the ticket.

Barrus teaches a multimedia messaging system for carrying dynamically updated information similar to the information of Sasaki. Furthermore, Barrus teaches a ticket defining an entity, taught as a user's selection of a multimedia object for display, at col. 26, lines 19-22, and a viewer for displaying the ticket, taught as a series of tests to determine the manner of display best suited for the content, at col. 26, lines 22-26.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Sasaki, Trueblood, and Barrus before him at the time the invention was made to modify the dynamic thumbnails of Sasaki and Trueblood to include the multimedia objects and their viewers of Barrus in order to obtain a real-time availability tracker where entities are defined and displayed separately.

One would have been motivated to make such a combination for the advantage of content portability to several display methods. See Barrus, col. 26, lines 10-14 and 22-26.

13. Regarding claim 12, Barrus allows for each customizable ticket thumbnail to be sharable, taught as a server accepting changes to a multimedia message and updating any interested parties of the changes, at col. 27, lines 14-16.

14. Regarding claim 16, Barrus provides for user interaction with each thumbnail through mouse clicks, at col. 11, lines 35-43, similar to the claimed manager for providing user interaction with each thumbnail.

15. Regarding claim 22, Barrus provides more detailed information upon the selection of a thumbnail through mouse clicks enabling a full text view of a thumbnail, at col. 11, lines 35-43. Sasaki teaches the display of a person window for tracking the availability of and chatting with contacts, at Fig. 8 and page 4, ¶ 0079.

16. Regarding claims 25 and 110, Sasaki teaches the display of a historical availability of a contact by displaying the last known status for a contact and saving the status in a status table for display when the user participates in another session of the same channel, at page 4, ¶ 0066.

17. Regarding claim 27, Barrus teaches a sharable ticket between a first user and at least one additional user by sending each sharable ticket as an email attachment, taught as the attaching of a media object to an e-mail message, at cols. 1-2, lines 61-67 and 1-2.

18. Regarding claim 28 and 37, Barrus shows dragging and dropping at least one ticket from a remote web site to at least one user display device, taught as dragging and dropping an image off of a web page and into a multimedia message window, at cols. 20 and 21, lines 35-42 and 13-17.

19. Regarding claim 29, Barrus teaches a network accessible database of tickets for allowing a user to access the tickets via a network accessible device, taught as the transfer of a multimedia message thumbnail from a database, at col. 20, lines 4-7.

20. Regarding claim 30, Barrus teaches creating tickets via a user interface, taught as the automatic generation of an object thumbnail upon the completion of the drag-and-drop method, at col. 21, lines 28-38, and has been shown to teach adding messages to existing multimedia messages to create a nesting effect.

21. Regarding claim 36, Barrus teaches the automatic creation of at least one ticket, taught as the use of an automatic object creation module for receiving and translating information of interest, at col. 18, lines 10-19.

22. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki, Trueblood, Barrus, and Barker et al (U.S. Patent 5,129,052), hereinafter Barker.

23. Regarding claim 13, Sasaki, Trueblood, and Barrus show the aggregation of at least two ticket thumbnails into at least one group accessible via the user interface displaying a persistent window, taught as the addition of supplemental electronic documents and audio clips into a multimedia message, at col. 12, lines 42-44.

Sasaki and Barrus fail to explicitly teach the aggregation of groups into any number of levels of recursively nested groups, or the recursive expansion of such groups.

Barker teaches a technique for the dynamic selection of logical element data formats based upon logical element characteristics which are established as a document is created or modified, (at col. 1, lines 18-21), similar to the ticket/viewer pairs taught by Barrus. Barker



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further teaches the recursive nesting of elements, such as the groups of Barrus, taught at col. 3, lines 41-54. Barker also teaches the recursive expansion of recursively nested groups, taught as the restoration of a parent-child relationship to the next higher level of the iterative loop, at col. 3, lines 55-57.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Sasaki, Barrus, Trueblood, and Barker before him at the time of the invention to modify the nested groups of Sasaki, Barrus, and Trueblood to include the recursive nesting Barker to obtain a system of aggregating nested groups of tickets into recursively nested groups.

One would be motivated to make such a combination for the advantage of allowing multiple relationships to occur between two logical elements. See Barker, col. 2, lines 12-16.

24. Regarding claim 14, Barrus teaches the display of a group as a group thumbnail within a container, taught as the thumbnail image representing a plurality of elements, at col. 25, lines 26-31.

25. Regarding claim 15, Barrus the display of a summary within the thumbnail of the information represented by the tickets comprising the group, taught as the thumbnail representation of many objects in a particular multimedia message, at col. 25, lines 26-31.

26. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki, Trueblood, and Brown (U.S. Patent 6,259,461).

Regarding claim 17, Sasaki and Trueblood have been shown *supra* to teach the display of dynamic thumbnails in a persistent window.

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Sasaki fails to explicitly teach including with each ticket a visibility flag, where particular thumbnails are only displayed when the visibility flag is set.

Brown teaches a system related to the display of objects in a computer graphics system (col. 1, lines 7-10), similar to the objects displayed by Sasaki. Furthermore, Brown teaches the setting of a visibility flag to determine whether or not an object is displayed on screen, similar to applicant's claimed visibility flag for particular thumbnails, at col. 9-10, lines 58-67 and 1-7.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Sasaki, Trueblood, and Brown before him at the time the invention was made to modify the dynamic thumbnails of Sasaki to include the visibility flags of Brown in order to obtain a system for selectively displaying dynamically updated information.

One would be motivated to make such a combination for the advantage of selectively displaying information on a screen and improve the graphic performance of a system. See Brown, col. 3, lines 2-6.

27. Regarding claim 18, the method of Brown sets the visibility flag for an object automatically, at col. 3, lines 43-47.

28. Regarding claim 19, Brown allows for the manual setting of a visibility flag via the user interface, taught as the setting of the flag through the application program, at col. 6, lines 42-45.

29. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki, Trueblood, Barrus, and the applicant's submitted InfoGate reference (Reference 3), hereinafter InfoGate.

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30. Regarding claim 20, Sasaki, Trueblood and Barrus teach the display of dynamic thumbnails in a persistent window representative of information of interest to a user.

Sasaki and Barrus fail to explicitly teach the display of timed thumbnails, wherein the thumbnails are displayed at predetermined times.

InfoGate teaches a customizable toolbar used to dynamically deliver selected information to the desktop of a user, similar to the multimedia messages of Barrus. InfoGate also teaches displaying timed thumbnails, wherein the thumbnails are displayed at predetermined times, taught as the use of alerts for bringing up to the moment information to the desktop toolbar as scheduled by the user, in the form of a predetermined price of stock quotes, at page 4.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Sasaki, Trueblood, Barrus and InfoGate before him at the time of the invention to combine the multimedia messages of Sasaki and Barrus with the ability to display timed information of InfoGate, to obtain a dynamically updated messaging system wherein information may be displayed to a user at a specified time.

One would be motivated to make such a combination for the advantage of enhancing user customizability by allowing a user to specify thumbnail alerts. Motivation for such a combination is given by InfoGate, who teach a highly personalized desktop ticker at page 1 of the reference.

31. Regarding claim 21, InfoGate teaches the termination of thumbnails at predetermined times, such as when an alert has been responded to and is not forwarded to other media devices, at page 8 of the reference.

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32. Claims 23, 24, 108, and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki, Trueblood, Barrus, and "The Notification Collage: Posting Information to Public and Personal Displays", by S. Greenberg and M. Rounding (applicant's reference **10**), hereinafter Greenberg.

33. Regarding claim 23, Sasaki, Trueblood and Barrus teach the display of dynamic thumbnails representative of information of interest to a user in a persistent window. Sasaki has been shown to teach the display of a person window for tracking the availability of and chatting with contacts.

Sasaki and Barrus fail to teach including a list of actionable communication access points for the entity represented by the thumbnail.

Greenberg teaches a Notification Collage for keeping track of information of interest. Greenberg further teaches the use of a pop-up menu for interacting with other users through addresses accessed through the menu, at page 4, col. 1.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Sasaki, Trueblood, Barrus, and Greenberg before him at the time the invention was made to modify the person window of Sasaki and Barrus to include the contact addresses of Greenberg to obtain a multimedia messaging system where user contacts may be interacted with through the use of a pop-up interface.

One would be motivated to make such a combination for the advantage of quickly accessing contact information about a user of interest. See Greenberg, page 4.

34. Regarding claim 24, Greenberg teaches identifying a best available communication access point for a contact, taught as presenting custom interactions for specific media elements that a user can respond to, at page 4, col. 1.

35. Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus, Sasaki, Trueblood, Greenberg, and *Snippets Product Overview* (applicant's submitted reference 1), hereinafter Snippets.

Regarding claim 26, Barrus, Sasaki, Trueblood and Greenberg have been shown to teach a persistent person window including a list of actionable communication access points for the entity represented by the thumbnail.

Barrus, Sasaki, and Greenberg fail to explicitly teach the inclusion of a calendar schedule for the entity represented by a thumbnail.

Snippets teaches a display of dynamically updated information on the desktop of a user, similar to the dynamic information displays of Barrus and Sasaki. Furthermore, Snippets teaches the inclusion of a calendar or schedule for an entity, taught on pages 1 and 4 of the reference.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Barrus, Trueblood, Sasaki, Greenberg, and Snippets before him at the time the invention was made to modify the person window including a list of actionable communication access points for the entity represented by the thumbnail of Barrus, Sasaki, and Greenberg to include the calendar view of Snippets to obtain a dynamically updated multimedia messaging system wherein one of the dynamic objects is a calendar.

One would be motivated to make such a combination for the advantage of viewing an updated calendar for an entity faster and easier than in previous methods. See Snippets, page 1, paragraph entitled "The Snippets Solution".

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36. Claims 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki, Trueblood, and Barrus.

37. Regarding claims 31-35, Sasaki and Trueblood have been shown *supra* to teach a method for providing a user interface, accepting contact availability data, dynamically determining real-time availability status, and graphically representing real-time availability status. Barrus has been shown *supra* to teach the storing of ticket/viewer pair thumbnails in containers on a display. Barrus fails to explicitly teach the use of such containers wherein the container is resizable, wherein the container is automatically resized, wherein the container is resized via the user interface, and wherein the dynamic thumbnails within the container are automatically resized as the container is resized. The use of a mouse pointer to resize windows through click and drag methods are well known in the art, as well as automatic resizing techniques, such as window minimization or maximization, in multiple applications and operating systems. Furthermore, it is well known in the art that the resizing of windows can also serve to resize the contents within them. For example, the resizing of many multimedia video player windows, such as the Winamp media player, also resizes the media accordingly. Furthermore, many text and image editors exist that allow for the resizing of the text and images within them by simply resizing the container they are displayed in. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to combine the multimedia messaging system of Sasaki, Trueblood, and Barrus with these well known teachings to obtain a messaging system wherein the windows storing media and the media within a message are automatically resized when the window is resized. One would be motivated to make such a combination for the advantage of quick and easy and sizing of a window and its contents.

***Response to Arguments***

Applicant's arguments, see page 10, lines 1-8, filed 7 September 2004, with respect to the rejection(s) of claim(s) 31-35 under Barrus have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sasaki, Trueblood, and Barrus.

Applicant's arguments, see page 9, lines 15-25, filed 7 September 2004, with respect to the rejection(s) of claim(s) 13-15, 17-24, and 26 under various combinations of Sasaki with Barker, Brown, Barrus, Greenberg, and Snippets have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of various combinations of Sasaki and Trueblood with Barker, Brown, Barrus, Greenberg, and Snippets.

Applicant's arguments filed 7 September 2005 in regards to claims 1-37 have been fully considered but they are not persuasive. Examiner respectfully disagrees with Applicant's argument that Sasaki fails to teach "providing a user interface through which a user specifies each entity whose contact availability is to be determined". Sasaki teaches the specifying by a user of status tables and common tables which hold information about various entities, at ¶ 0106, and Fig. 14.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell  
2/9/2005



**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**